

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MORALES=1

In re Application of:)	Art Unit: 1796
)	
Graciela MORALES-BALADO et al.)	Examiner: Fred M. TESKIN
)	
Appln. No.: 10/537,738)	Washington, D.C.
)	
Filed: March 23, 2006)	Confirmation No. 6647
)	
For: PREPARATION OF IMPACT- RESISTANT THERMOPLASTIC...)	June 15, 2009

**CONDITIONAL NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby conditionally appeals to the Board of Patent Appeals and Interferences from the final rejection of claims 9-15, 18-20, 26-32, and 34-36 (or the rejection of claims for at least the second time) in the Office Action dated December 15, 2008, of the Primary Examiner. This appeal is conditioned on a finding by the examiner that the finality of the previous Office Action should not be withdrawn and that applicant's response of June 15, 2009, does not place the case into condition for allowance. If allowed, this notice of appeal is moot. If not, this notice of appeal is necessary to prevent unintentional abandonment. Applicant should not be forced to pay for a notice of appeal fee and extension of time fees due solely to the delay within the Patent and Trademark Office in getting applicant's response of June 15, 2009, to the examiner. If a conditional notice of appeal is impermissible, please treat this as an unconditional notice of appeal.

The item(s) checked below are appropriate:

- ☐ Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.
- ☒ The fee has been calculated as shown below:
- ☒ \$540.00
- ☐ \$270.00 (small entity)
- ☐ Not required (fee paid in prior appeal)
- ☒ Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
☐ First - \$ 65.00
☐ Second - \$245.00
☐ Third - \$555.00

Other Than Small Entity
Response Filed Within
☐ First - \$ 130.00
☐ Second - \$ 490.00
☒ Third - \$1110.00

month after time period set

month after time period set

☒ Less fees (\$1,110.00) already paid for 3 months extension of time on June 15, 2009.

XXX Please charge the amount of \$540.00 to my Deposit Account No. 02-4035 only on the condition specified above.

XXX Please charge any deficit in the fee necessary to prevent abandonment of this application to my Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)



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